

REMARKS

Review and reconsideration of the Final Office Action mailed May 28, 2008 (hereinafter "Office Action"), the Advisory Action mailed November 14, 2008 (hereinafter "Advisory Action"), and the Notice of Non-Compliant Amendment mailed November 14, 2008 (hereinafter "Notice"), is respectfully requested in view of the above amendments and the following remarks. At the time of the Office Action, claims 1-40 and 42-49 were pending, with claims 2, 3, 8, 9, 22, 39 and 42-49 being drawn to an elected invention. By this Response, claims 2, 3, 8, 9, 39, 42, 44, 45, 46, 47 and 49 are amended and claims 1, 4-7, 10-21, 23-38, 40 and 48 are cancelled.

By this Response, more claims are cancelled (35) than are added (31) through multiple dependencies and, while two multiple dependent claims have been added, at least 10 multiple dependent claims have been cancelled (claims 13, 16, 17, 20, 21, 25, 30, 31, 33, 34). Accordingly, no claim fees are believed due and the proposed amendment is believed to be in compliance with after-final practice. Applicants respectfully submit that all proposed claim amendments place the application in better condition for allowance and respectfully request entry of the proposed claim amendments.

Applicants are not conceding by this Amendment that the previously pending claims are not patentable, as the present claim amendments are only for facilitating expeditious prosecution to allowance of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation or divisional patent applications.

II. OBJECTIONS TO THE CLAIMS AND CLAIM AMENDMENTS

Claims 2, 3, 42, and 46-49 were objected to because of informalities. By this Amendment, claims 2, 3, 8, 9, 39, 42, 44, 45, 46, 47 and 49 are amended. The claim amendments seek to address the objections identified by in the Office Action and some minor clarifications. In addition, claims 8, 9 and 44-46 to introduce the multiple dependencies discussed during the Examiner Interviews. It is believed that these claim amendments do not raise new issues and Applicants respectfully request entry thereof.

III. REJECTION OF CLAIMS UNDER 35 U.S.C. §103

Claim 48 was rejected under 35 U.S.C. 103, as being unpatentable over the combination of Van de Löcht, Pears, Searle, and Comai (all of record). By this Amendment, claim 48 is canceled, which renders the rejection moot.

IV. ADVISORY ACTION AND NOTICE OF NON-COMPLIANT AMENDMENT

In the Advisory Action, it was indicated that claim 39 does not require two *cis*-acting elements, a requirement of claims 8 and 9. In order to expedite prosecution of this application to allowance, claims 8 and 9 are no longer dependent on claim 39.

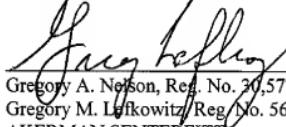
In the Notice, the Examiner indicated that the status identified of claim 46 incorrectly indicated that claim 46 was withdrawn, whereas the restriction with respect to claim 46 was withdrawn by the Office Action. Appropriate correction has been made in the listing of the claims accompanying this Supplemental Amendment.

V. CONCLUSION

For at least the reasons set forth above, the independent claims are believed to be allowable. In addition, the dependent claims are believed to be allowable due to their dependence on an allowable base claim and for further features recited therein. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned Greg Lefkowitz (561-671-3624 – direct line) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

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